

REMARKS

By the present response, Applicants have amended claim 6 to further clarify the invention. Claim 1, 5-18 and 20 remain pending in the present application.

In the Office Action, claim 1 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,657,390 (Elgamal et al.), in view of WAP Wireless Communication (WWC) and U.S. Patent No. 5,535,276 (Ganesan). Claims 5, 6, 8, 10-15 and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Elgamal et al. in view of WWC, Ganesan and U.S. Patent No. 6,182,220 (Chen et al.). Claims 7, 9 and 20 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Elgamal et al., WWC, Ganesan, Chen et al., and U.S. Patent No. 6,654,806 (Wall et al.). Claims 16 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Elgamal et al. in view of WWC, Ganesan, Chen et al., and U.S. Patent No. 6,694,431 (Binding et al.).

35 U.S.C. § 103 Rejections

Claim 1 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Elgamal et al., in view of WWC and Ganesan. Applicants respectfully traverse this rejection.

The Examiner asserts that Elgamal et al. discloses a secure session layer directly between a session layer and an application layer, at col. 12, lines 13-19, col. 11, lines 14-18, col. 6, lines 10-17, and col. 5, lines 20-25. However, as has been noted in Applicants' previously filed response, Elgamal does not disclose or suggest these limitations in the claims of the present

application. Further, as has been noted previously, Elgamal relates to personal computers or workstations where a human operates a computer to make requests for data or services from other personal computers or workstations on a network (see, abstract, col. 3, lines 24-33, and figures 1 and 2). Elgamal relates to communications over a wired network using personal computers as is clearly shown in figures 1 and 2. In contrast, the limitations in the claims in the present application relate to wireless technology and specifically a security protocol structure in an application layer of a wireless application protocol standard. As has been noted previously, Elgamal does not disclose or suggest anything related to a wireless application protocol standard.

Moreover in fact, Elgamal et al. teaches away from the limitations in the claims of the present application in that Elgamal et al. clearly discloses a security protocol which is layered between an application layer and transport layer (see col. 1, lines 58-67). Elgamal et al. relates to the use of the internet protocol stack and specifically discloses that the internet protocol stack lacks the presentation and session layers (see col. 11, lines 14-18, referenced by the Examiner). Elgamal et al. fails to disclose or suggest anything related to a session layer or specifically a secure session layer directly between a session layer including a wireless session protocol and an application layer including a wireless application environment. Nowhere in Elgamal's specification or any of the figures including figures 8-11 (that disclose protocol layers) is there a disclosure or suggestion of a session layer, or a session layer including a wireless session protocol as recited in the claims of the present application. The Examiner appears to go through a long

analysis of the disclosure of Elgamal in an attempt to read the limitations of the claims of the present application back into the Elgamal et al. reference. However, the Examiner clearly appears to use impermissible hindsight in reading the limitations of the claims of the present application back into the cited reference. This is clearly evident by the Examiners erroneous statement that “a transport layer protocol is equivalent to a session layer”. Clearly, it is well understood by one of ordinary skill in the art that a transport layer is different from a session layer. As noted previously, Elgamal makes this statement in essence by stating that the internet model lacks the presentation and session layers at col. 11, lines 14-16.

The Examiner admits that Elgamal does not disclose or suggest a wireless application environment and protocols, or a secure session layer directly between a session layer and an application layer but asserts that WWC discloses these limitations on page 6 with the WSP and WAP. WWC discloses wireless application protocol communication and discloses an OSI model for wireless communication that includes a wireless application environment (WAE) next to a wireless session protocol (WSP). However, WWC does not disclose or suggest a secure session layer directly between a session layer including a wireless session protocol and an application layer including a wireless application environment, as recited in the claims of the present application. WWC merely discloses the wireless session protocol next to a wireless application environment in the known OSI model stack for wireless communication. Further, Ganesan fails to overcome the substantial defects noted regarding Elgamal et al. and WWC.

Moreover, Applicants submit that one of ordinary skill in the art would have no motivation to combine the disclosure of Elgamal et al. which clearly relates to personal computers in a client-server environment of communications over the internet, with WWC, that relates to WAP wireless communication. As Elgamal et al. discloses, the internet stack lacks session layers. Further, the OSI model for wireless communication disclosed in WWC would have no application on the personal computers of Elgamal et al. since these are not wireless devices. One of ordinary skill in the art would have no motivation to combine these two references since these two references relate to two completely different environments, and two completely different protocol stacks (Elgamal et al.- the internet protocol stack, and WWC-the WAP protocol stack) that are incompatible with each other. Moreover, since none of the cited references disclose or suggest a secured session layer directly between a session layer and an application layer, one of ordinary skill in the art would have no motivation to combine these two references in an attempt to achieve the limitations in the claims of the present application since this combination fails to achieve these limitations.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 1 of the present application. Applicant respectfully request that this rejection be withdrawn and that this claim be allowed.

Claims 5, 6, 8, 10-15 and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Elgamal et al. in view of WWC, Ganesan and Chen et al. Applicants respectfully traverse these rejections.

Regarding claim 6, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of this claim of, *inter alia*, establishing a security protocol structure in an application layer of a wireless application protocol standard where the security protocol structure includes a secure session layer directly between a session layer including a wireless session protocol and an application layer including a wireless application environment. As noted previously, neither Elgamal et al., WWC, nor Ganesan disclose or suggest these limitations in the claims of the present application. Further, Chen et al. does not overcome the substantial defects noted previously regarding Elgamal et al., WWC and Ganesan.

Regarding claims 5, 8, 10-15 and 18, Applicants submit that these claims are dependent on one of independent claims 1 and 6 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submit that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 5, 6, 8, 10-15 and 18 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Claims 7, 9 and 20 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Elgamal et al., WWC, Ganesan, Chen et al., and Wall et al. Applicants respectfully traverse these rejections and submit that these claims are dependent on independent claim 6 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim. Applicants submit that neither Chen et al., Ganesan nor Wall et al. overcome the substantial defects noted previously regarding Elgamal et al. and WWC. Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 7, 9 and 20 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Claims 16 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Elgamal et al. in view of WWC, Ganesan, Chen et al., and Binding et al. Applicants respectfully traverse these rejections and submit that these claims are dependent on independent claim 6 and therefore, are patentable at least for the same reasons noted previously regarding this independent claim. Applicants submit that neither Ganesan, Chen et al., nor Binding et al. overcome the substantial defects noted previously regarding Elgamal et al. and WWC. Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of

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claim 16 and 17 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

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CONCLUSION

In view of the foregoing Amendment and remarks, Applicants submit that claims 1, 5-18 and 20 are now in consideration for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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